

CORRECTED

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 20-1734V

UNPUBLISHED

STEPHANIE BANKS and BRADLEY BANKS, on behalf of B.B., a minor child,

Petitioners,

v.

SECRETARY OF HEALTH AND HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: May 10, 2021

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Table Injury; Rotavirus Vaccine;
Intussusception

Danielle Strait, Maglio Christopher & Toale, PA, Seattle, WA, for Petitioners.

Meghan Murphy, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On December 2, 2020, Stephanie Banks and Bradley Banks filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”), on behalf of their minor child, B.B. Petitioners allege that B.B. suffered intussusception, which meets the Table definition, after receiving a second rotavirus vaccine on July 10, 2019. Petition at ¶¶ 5, 36. In the alternative, they allege that the vaccine caused B.B.’s intussusception. *Id.* at ¶¶ 36, 38. Petitioners further allege that B.B. suffered the residual effects of intussusception for more than six months and that neither they nor any other party has filed a civil action or received compensation

¹ Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioners have 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

for B.B.'s intussusception, alleged as vaccine caused. *Id.* at ¶¶ 37, 40-41. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On May 10, 2021, Respondent filed his Rule 4(c) report in which he concedes that Petitioners are entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, Respondent states that "[i]t is [his] position that [P]etitioner has satisfied the criteria set forth in the Vaccine Injury Table ('Table') and the Qualifications and Aids to Interpretation for a Rotavirus/Intussusception Table injury." *Id.* at 6. Respondent adds that "based on the record as it now stands, [P]etitioner has satisfied all legal prerequisites for compensation under the Act." *Id.*

In view of Respondent's position and the evidence of record, I find that Petitioners are entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master